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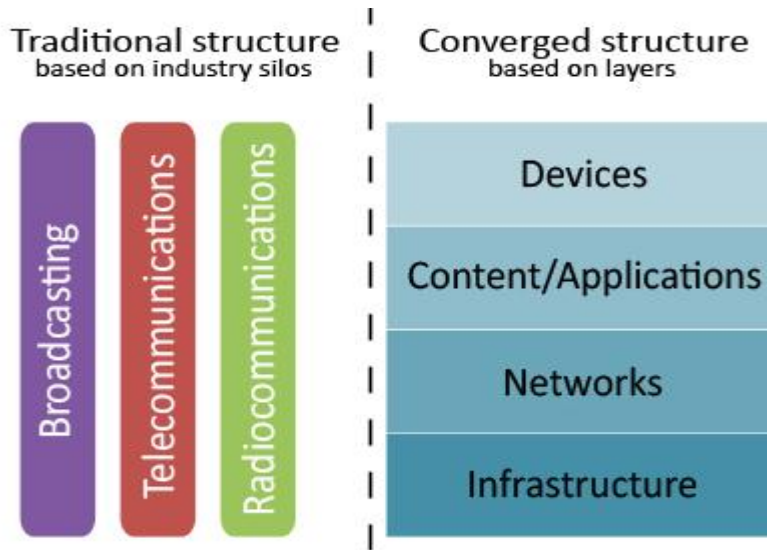
# Need for Periodic Reviews of Regulatory Frameworks

## *Case Studies in Communications*

Usman Saadat, Director  
Annual Conference of Organisation of Caribbean Utility Regulators (OOCUR),  
Barbados, November 2011

# Convergence is challenging traditional regulatory frameworks.....

- Technological change driving convergence



Source: ACMA, 2011

- Existing regulatory models based on industry silos are challenged by convergence
- Legislative and institutional convergence often viewed as best response
- What is the best model for the Caribbean?

## Regulatory Treatment of IPTV

- High speed broadband is driving greater take-up of IPTV
- IPTV competes with free-to-air and pay TV services
- May not need broadcasting licence, not subject to content regulation and programming quotas
- Creates regulatory uncertainty and uneven playing field

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***....but reform must also reflect industry policy and improve regulatory effectiveness***

## **Broad Drivers of Regulatory Reform**

### **Convergence**

- Technology-Neutral: impact on licensing, obligations
- Addressing concerns arising from online environment
- Converged legislation and institutions

### **Industrial Policy**

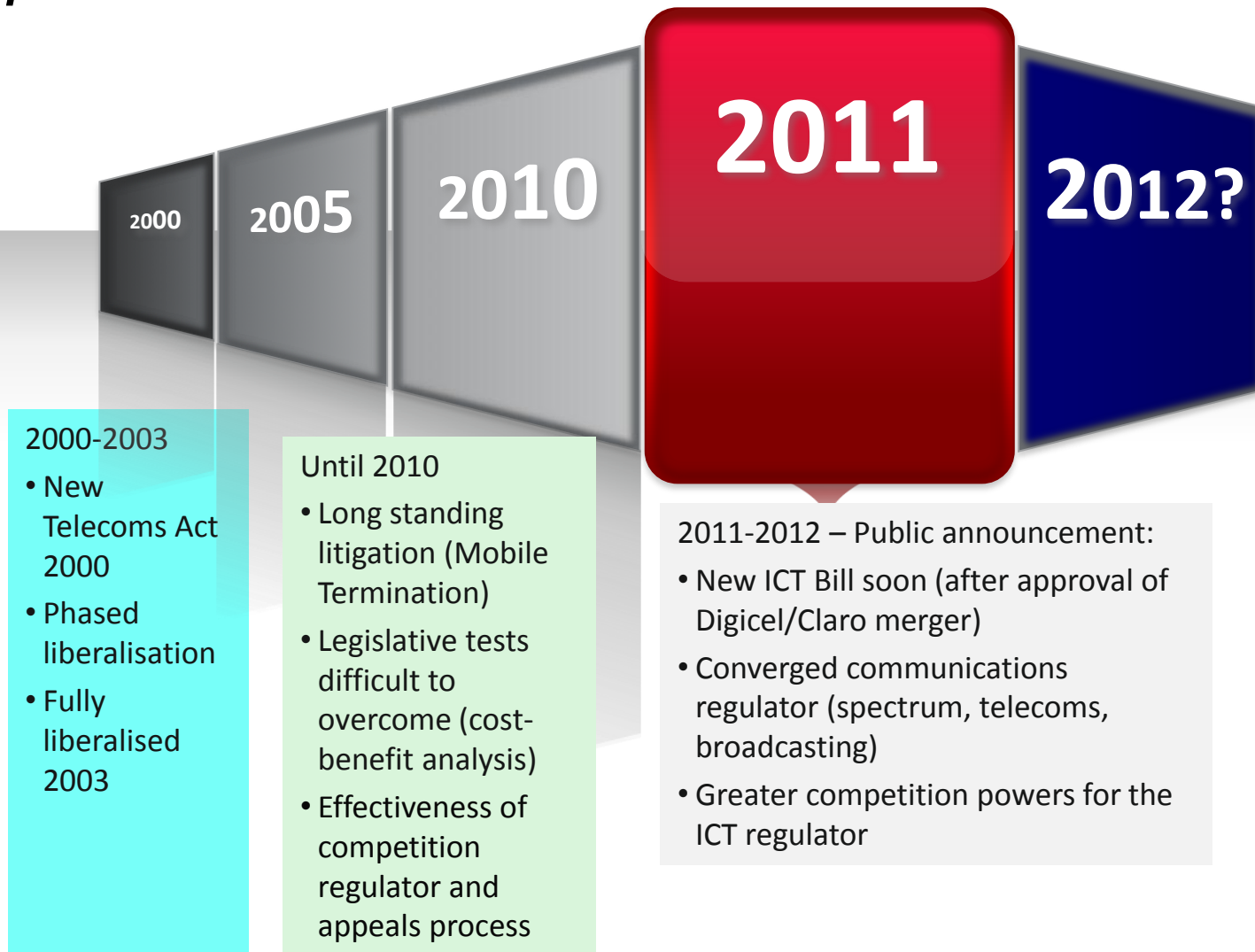
- Sector Policy – National, socio-economic objectives
- Ownership – government ownership
- Industry Structure – competition, access regulation, alternative networks

### **Institutional Effectiveness**

- Independence, capacity, transparency, accountability, credibility
- Clarity of roles between regulator(s) and policy-makers
- Use of competition law

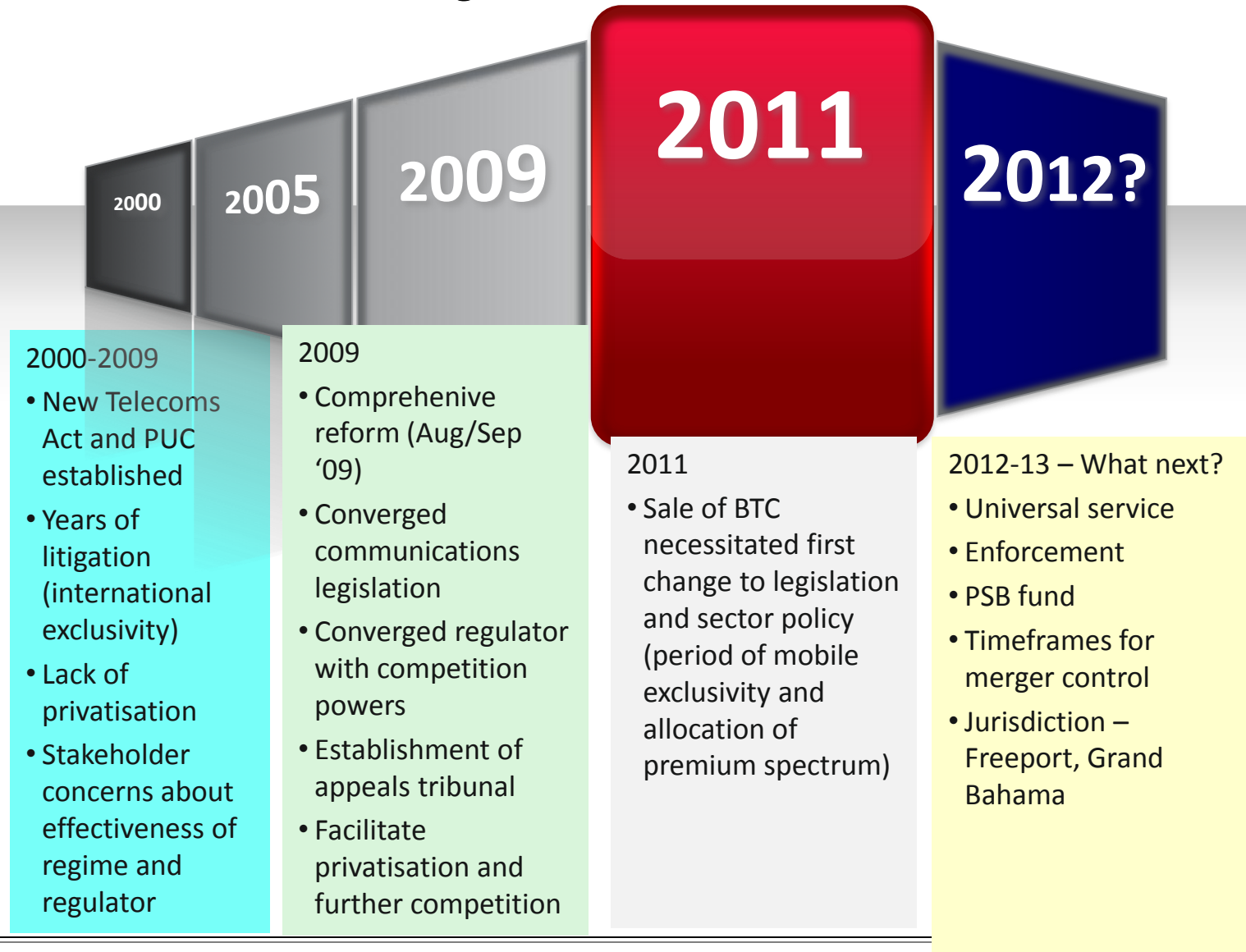
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# *Jamaica may have an opportunity to address many drivers after 11 year period....*

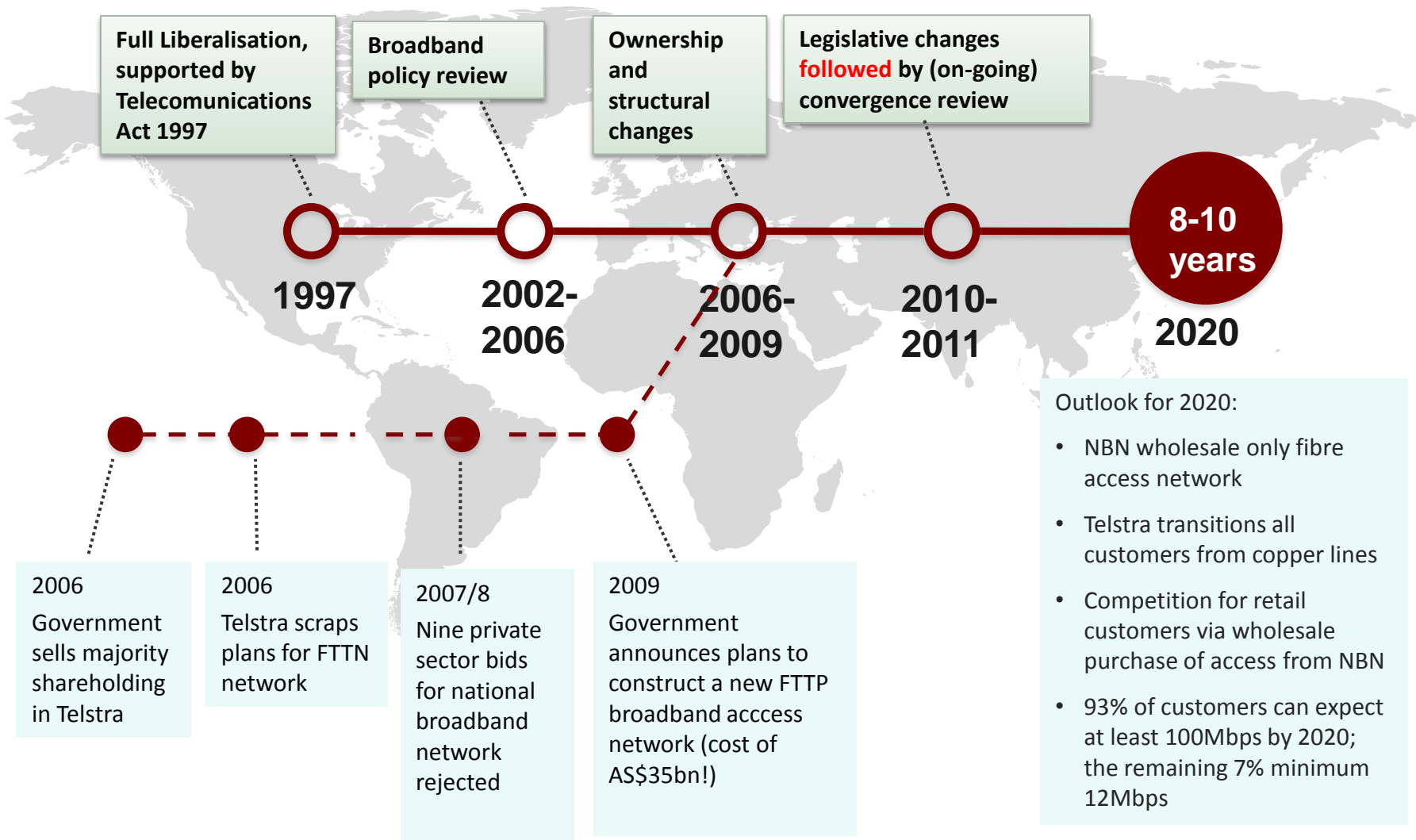


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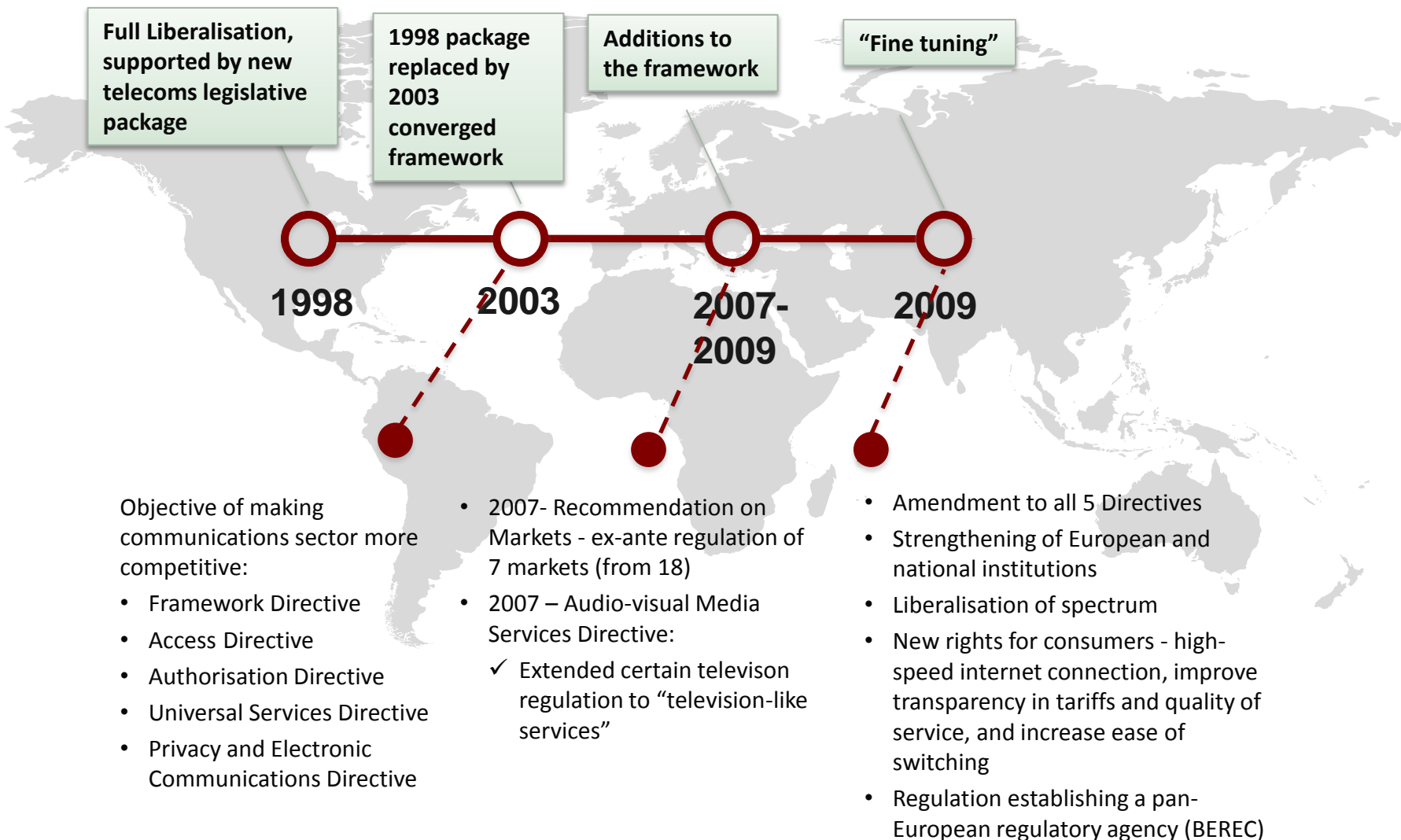
***...whilst Bahamas may need to refine its framework despite recent implementation of converged framework***



# Australia provides an extreme case of Government-led reform to address structural issues **without** addressing convergence.....



## ...but the EU has charted a course of periodic review



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## ***Emerging themes***

- Growing trend of converged regulatory frameworks that follows logic of the technological change
  
- Policy-makers and Regulators have adopted different approaches:
  - Country-specific motivation for change – best practice and or new wave regulatory issues (separation, broadband access networks, new media)
  - Frequency of framework change is increasing and waiting for extended periods may stifle competition
  - Communications regulation being linked to, or made consistent, with competition regulation
  
- No one size fits all for small-island nations - Caribbean stakeholders have to balance a number of inter-related factors:
  - **Breadth of Change** - Convergence driven vs. Comprehensive strategic review
  - **Depth of change** - Traditional telecoms issues vs. new wave regulatory issues (online media issues)
  - **Timing** - Frequency and speed of reform (predictability vs. effectiveness)
  - **Leveraging experience** - Country focus vs. leveraging regional co-operation
  - **Influencing change** – what is the role of the Regulator?

# About Castalia's Communication Practice

## Communications Policy

Broadband policy

Spectrum

Telecommunications policy

Universal service

## Economic Regulation

Access

Market reviews

Retail price controls

Cost modelling

Impact studies

Separation

## Competition analysis

## Commercial advice

Business Strategy

Infrastructure reviews

Broadband networks

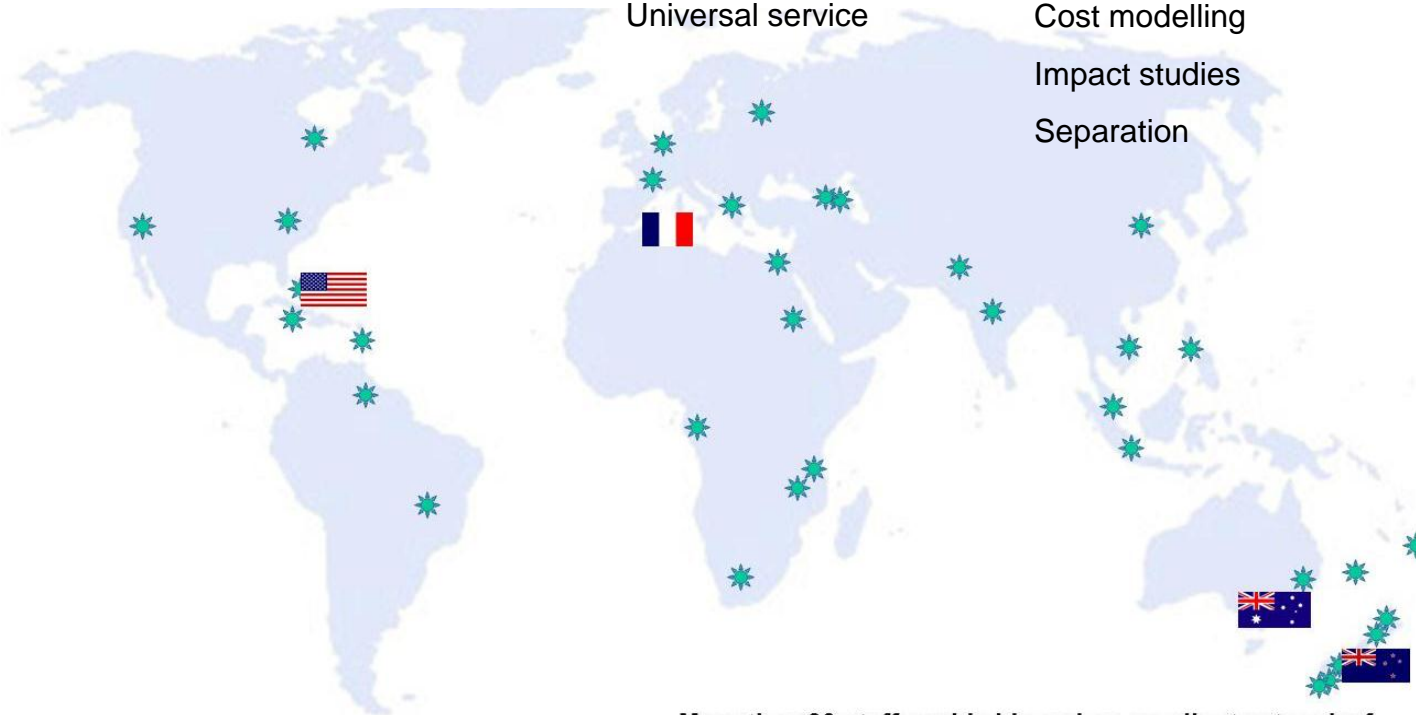
Mobile networks

## Institutional capacity

Governance

Regulatory processes

Performance benchmarking



Flag = Castalia Office

★ = Locations where we are currently undertaking projects

More than 30 staff worldwide and an excellent network of associates

Economics and finance specialists in infrastructure and regulation